

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1869 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKAR

- =====
1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

V R BARAIYA

Versus

GUJ WATER SUPPLY & SEWERAGE BOARD

Appearance:

MR PV HATHI for Petitioner
MR DG CHAUHAN for Respondent No. 1, 2

CORAM : MR.JUSTICE C.K.THAKKAR

Date of decision: 25/02/2000

ORAL JUDGEMENT

1. This petition is filed by the petitioner for an appropriate writ, direction or order, directing the respondents authorities not to dispense with the services of the petitioner on and from 31st January 1986 / 1st February 1986 and to regularize his services on Work

Charge Establishment of the respondent from that date.
Interim relief was also sought.

2. Rule was issued and it was ordered to expedite the matter. Today, the matter has been listed for final hearing.

3. The contentions raised by the petitioner in the present petition are disputed questions of fact. It was stated that the services of the number of such persons who are similarly situated to that of the petitioner, have been regularized and the petitioner was left out. It was therefore submitted that the impugned action is violative of Article 14 and 19 of the Constitution of India.

4. In my opinion, ordinarily such questions are not decided in exercise of extra ordinary jurisdiction under Article 226 and 227 of the Constitution. It requires evidence to be led and the issues will have to be decided. In the facts and circumstances, therefore, without expressing final opinion, the petition deserves to be dismissed and is accordingly dismissed. It is however open to the petitioner to take appropriate proceedings in accordance with law, if he is of the opinion that injustice is meted out to him.

Rule is discharged with no orders as to costs.

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